

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

FILE COPY

IN THE MATTER OF THE APPLICATION
FOR A LICENSE TO PRACTICE
AS A REAL ESTATE SALESPERSON

JAMES E. ENNEPER,
APPLICANT.

FINAL DECISION
AND ORDER
LS9306252REB

The State of Wisconsin, Department of Regulation and Licensing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Department of Regulation and Licensing.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 5th day of August, 1993.



Marlene A. Cummings, Secretary
Department of Regulation
and Licensing

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE APPLICATION
FOR A LICENSE TO PRACTICE
AS A REAL ESTATE SALESPERSON

James E. Enneper,

APPLICANT

CASE NUMBER:
LS9306252REB
93 REB 154

PROPOSED DECISION

The parties to this matter for the purposes of Wis. Stats. sec. 227.53 are:

Mr. James E. Enneper
P.O. Box 13611
Green Bay, WI 54307-3611

Department of Regulation and Licensing
1400 E. Washington Avenue
P.O. Box 8935
Madison, WI 53708

Attorney Gerald Scanlan
Department of Regulation and Licensing
Division of Enforcement
1400 E. Washington Avenue
P.O. Box 8935
Madison, WI 53708

PROCEDURAL HISTORY

This matter was commenced by the filing of a Notice of Hearing on June 25, 1993. Pursuant to the notice, a license denial hearing was scheduled for July 15, 1993. Mr. Enneper's real estate salesperson's license was denied on May 5, 1993, because he demonstrated incompetency in failing to accurately complete his real estate salesperson's license application and because he had been disciplined by the Office of the Commissioner of Insurance by having his intermediary agent's license revoked. The issue raised for consideration at the hearing was whether the Department erred in law or fact by denying the license for the aforementioned reasons. On July 13, 1993, the administrative law judge received a letter from the applicant requesting that the hearing in this case be cancelled as he no longer desired to pursue the matter.

Based upon the entire record in this matter, the administrative law judge recommends that the Department of Regulation and Licensing adopt as its final decision in the matter the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On or about May 5, 1993, Mr. Enneper was informed by a Notice of Denial signed by Cletus J. Hansen, on behalf of the Department of Regulation and Licensing, that his real estate salesperson's license was denied because he had demonstrated incompetency by failing to accurately complete his real estate salesperson's license application and because he had been disciplined by the Office of the Commissioner of Insurance by having his intermediary agent's license revoked.

2. Mr. Enneper requested a formal hearing upon the denial referred to in Paragraph 1, and a Class I proceeding within the meaning of Wis. Stats. sec. 227.01(3)(a) was commenced by the filing of a Notice of Hearing on June 25, 1993.

3. By letter dated June 30, 1993, and received by the Department on July 12, 1993, James E. Enneper informed the administrative law judge, inter alia, as follows:

"Because I have made a career change (sic) into another field and will not be pursuing (sic) a real-estate career I see no need to go through the expense both on the part of the state and my part in holding a hearing.

"I am therefore cancelling my request for the hearing that has been set for the 15th day of July, 1993 at 9:30 a.m."

CONCLUSIONS OF LAW

1. The Department of Regulation and Licensing has jurisdiction in this matter pursuant to Wis. Stats. sec. 452.03.

ORDER

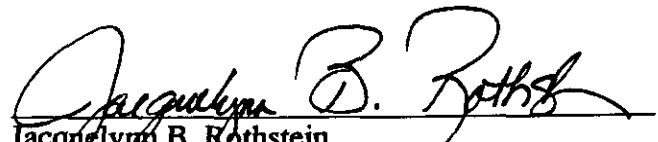
NOW, THEREFORE, IT IS ORDERED that because James E. Enneper has withdrawn his request for a hearing regarding his denial of licensure, this proceeding is hereby dismissed.

OPINION

The file in this case indicates that James E. Enneper was denied a real estate salesperson's license for the reasons set forth in Paragraph 1 of the Findings of Fact. He thereafter requested a hearing upon the Department's decision to deny. Subsequent to the issuance of a Notice of Hearing, Enneper requested that the hearing be cancelled because he was no longer interested in pursuing the matter. His request is hereby granted and the matter is therefore dismissed.

Dated at Madison, Wisconsin this 29th day of July 1993.

Respectfully submitted,


Jacquelyn B. Rothstein
Administrative Law Judge

NOTICE OF APPEAL INFORMATION

**(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each, and the identification
of the party to be named as respondent)**

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Department of Regulation and Licensing.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Department of Regulation and Licensing

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Department of Regulation and Licensing.

The date of mailing of this decision is August 9, 1993.